

to keep that commandment in my heart when I am on this floor and conducting my business, and it is good advice. I wanted to thank him.

Also, I will mention a couple other people. One is Dick Halverson, the first Senate Chaplain with whom I had the pleasure working. He was maybe one of the most Christlike persons I have ever known. Lloyd Ogilvie, who succeeded him, was a great mentor. He led many of us in our Bible studies for years. He is a wonderful, wonderful brother and friend. And now Barry Black. Barry Black, when he was giving the prayer today, said we may seek to accomplish causes beyond our lifetime. And he is so right. That is what the Senate is about. It is about causes. It is about things that can have consequences, that can have real meaning beyond our lifetime eternally.

So I thank God for the opportunity and the privilege and the pleasure to serve in this great body.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

TRIBUTES TO RETIRING SENATORS

DON NICKLES

Mr. FRIST. Mr. President, on leader time, I want to make a few comments in tribute, not in response, to the great man we just heard on the floor of this institution. Over the last several days, all of us have taken that opportunity for three of our colleagues on this side of the aisle and others on the other side of the aisle, to reflect on the past and how people have affected us directly.

All of us have prepared remarks, and we have taken the opportunity to read them into the RECORD or enter them into the RECORD. What we just heard does reflect in many ways why so many of us have such strong feelings about DON NICKLES and his family—Linda and their children.

For me, it boils down to two general areas. One is the tremendous respect he has and continues to have and will always have for this institution. He literally reveres this institution. We heard it in his words today, the way he closed referring back to Chaplain Barry Black's opening this morning where causes beyond our lifetime is the essence of this institution, and he has captured that in his 24 years in the Senate—respect for the institution, for its traditions, for its values, for its rules, for its precedents, all of which he has manifested.

The second general area when I think of DON is his wise counseling that he has been able to reflect in different ways to each and every one of us. For me, it is the National Republican Senatorial Committee. When I was first thinking about running, I went directly to DON NICKLES because in the early 1990s he developed a model which was revolutionary at that time which really did go to what happens at the

grassroots, and it applied both in terms of politics and fundraising. That model is one that has come full cycle.

One thing he did not mention directly but touched me in a very special way is what he did 2 weeks ago, and that is run, whether it is marathons or short races or out for a daily jog—I call it a jog; he actually runs. But for about a year, at least once a week, sometimes several times a week, we ran together with a few Senators—I think there were more than two—a few Senators, but more than that, about 8, 9, 10, it got up to about 14 other people who every morning at 6 o'clock would take off and go initially for 30 minutes, an hour, an hour and a half, 2 hours, 3 hours, and DON kept going. But those are my memories.

What is interesting is that of the people running with us, there were some new people, but then there were also people who had done this for years and years, and those rich relationships were played out on the floor of the Senate or with his golf, which everybody knows about, or the running, which is touching me.

A few weeks ago, he ran in the New York City marathon. He ran it by himself. He probably ran it in 3 hours. I would go much longer than that. I was back here, but I was really with him, thinking of him when he was going to be taking off and at each of those miles, as you run through those boroughs. I was really with him because it brought back memories of us spending time together.

That was for, again, a cause that goes beyond our lifetime because our running and the group that he put together was for an effort that Linda, his wife, I think introduced him to, the Lombardi Cancer Center. Again, it shows how everything comes together, in ways beyond going out to have a good run and working for this greater cause.

He mentioned getting to know each other. In terms of counseling to me, directly or indirectly, you cannot go anywhere in this town without DON NICKLES being recognized, without him having touched or having a relationship in some special way over the last 24 years, and counseling in terms of the prayer breakfast. DON NICKLES was there every single week, and the Bible studies again touch me directly in that those few moments every week we have the opportunity to come together and share.

He mentioned the positive and guiding light of Doug Coe in the same way he has touched us in those prayer breakfast meetings.

He mentioned the budget, again the wise counsel that he set in place that we will be using over the next several years as we look at tax relief, but also the impact it has had on the jobs and growth in this country.

I have to mention his overall optimism because there is nobody more optimistic in the Senate, even in very tough times, trying times. There were

times dealing with the budget over the last 4 years that were tough, difficult, hard, challenging, especially in 2003. Even through all that, he was optimistic, upbeat, reaching out. He always knew there was some way to get the best out of people working together.

I will close by mentioning—and we had this conversation two nights ago—his overall commitment to family. Everything comes back to Linda and their four children—Don Nickles, Jr., Jenny Rossiter, Kim Nickles, and Robyn Nickles. Everything he does comes back through that unit, to Linda who has—he used the word “tolerance,” and it does take a lot of tolerance to put up with DON NICKLES, I am sure. Linda was there, I should also add, with support through every one of his endeavors.

It has been a real privilege for Karyn and me to get to know them and their entire family.

He used a Bible verse, his favorite Bible chapter, Galatians 5. The Apostle Paul lists a godly man's attributes. A godly man works hard, says Paul, lives a life of—the words that are key—love, joy, peace, kindness, goodness, and faithfulness. As we look at that string of words, those nouns, I cannot think of a better description of DON NICKLES.

So, DON, we will miss you. I say that recognizing all our relationships will continue to grow. We will clearly miss you on the floor of the Senate.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, most Americans probably do not know the Senate is a continuous body. From the day the Founding Fathers established this marvelous institution up until today, it has never had a termination point. It goes on and on. Senator BYRD can tell us exactly how many Members of the Senate there have been. The last figure I heard was something over 1,500.

Candidly, a significant number of those probably did not make much difference. They filled the seats. They made sure the continuous body continued. But very few left any footprints on the sands of time. We have honored a handful out here off the Senate floor, people such as Henry Clay, Daniel Webster, John C. Calhoun, and just a couple of others.

I have been here now a couple of decades, a little bit less than my friend from Oklahoma. I can say without fear of contradiction, from the moment I got here until today, the Senator from Oklahoma has been a leader in this body. He has been involved in virtually every issue of consequence in the 20 years I have been here in some kind of leadership capacity or providing his inspiration or, as the majority leader indicated, his enthusiasm for getting a solution to the problems confronting America at that particular moment.

So I say to my friend from Oklahoma, he has left footprints in this body.

He is one of the great Senators in the history of our country. We will always

remember his service, and we wish him Godspeed in the coming years and look forward to seeing him again in his new capacity whatever it may be.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have not been coming to the floor for a lot of speeches about our fellow Senators, nor have I given very many as they are departing. I do intend to do that in the next few months for all of them, but I would not dare let this record go today without my having an opportunity to share some remarks with the Senate about the Senator from Oklahoma.

There is nobody here that has served on as many committees together as Senator NICKLES and Senator DOMENICI. We have been thrilled to work on the Energy Committee. He has told us the facts about energy. He has told us the impact that was made by that committee, and nobody can doubt that to have the Senator from Oklahoma come to that committee, having lived with the ridiculousness of the rules on natural gas, having him there was a great stimulus to change, once and for all—we did a little bit and we opened the floodgates—to give the country a great supply of energy called natural gas.

More important than that, he is one who takes an opportunity to come forth with an idea, with a cause, and set it forth when people do not even think it has a chance. All of a sudden it gathers some more momentum, and then it is a big issue, and nobody believes it but pretty soon it passes and becomes law. There are so many that we cannot talk about them. The Senator has talked about some of them.

When you came here, your senior Senator was kind of the opposite of you. He was a great hulk of a man. He was older than you by far. If he ever bragged, it was about being a Marine lieutenant tank commander. He used to look at me and tell me: Well, I do not know. This NICKLES is just too young. I am not sure he can do this job.

Well, I am sure he told you some of those things when you were running or preparing to run, but your youth had nothing to do with your success. You were going to get it done because you have a great capacity to lead and to work with people. It has been my privilege to have you as my teammate.

There is one thing for sure, this place does not succeed without people who have talent. We can all look that over and say it is not so, but it is so. You are a very talented man, but talent is not enough. You have to be loyal.

Senator NICKLES is the second most senior serving Senator on the Budget Committee, 20 years. I am the one who was goofy enough to serve more, but he was there during most of my time. Many times, Senator DON NICKLES did not get exactly what he wanted, but when it came to the time of getting something for this Senate that would permit us to follow that Budget Act, you never worried about DON NICKLES.

He may have pushed and shoved and maybe held out to the end, but when the time came that you said, We have to do this, DON, he understood. That is because of what he just said here today. He really loves this place. He learned how to love it. He did not love it when he came here. He might have told his colleagues that he started liking it, but he did not love it the first few years like he does now.

I had the privilege once of nominating him for a leadership job. He will not ever forget that introduction because he was thinking I was not going to be speaking in behalf of him, but I surely was. I said something like, DON Nickles came here and he was just too young. Then I proceeded to say, however, I have never seen a Senator mature as much and as fast as he has in terms of acquiring the skills and the capacity and understanding to be a Senator, after which time I suggested that he should win that particular job he was seeking. He did, obviously. I did not have anything to do with it, but nonetheless that is sort of the way I saw him for the first 8, 10, or 12 years.

Senator, you never stopped. You never stopped growing, and I think to grow in this place, besides the qualities I have just described, you have to end up understanding what the Senate is.

I have heard you many times in the last part of your career talk about what a great place this is, and I really believe you understand it. I think you understand that it is not just some legislative body. You have many times cast your vote, done your work, chastised and begged, cajoled people to do things because you would tell them sometimes when it was urgent that this is the Senate and we cannot be all on our own. We have to be a part of this place, and sometimes you have to do things to make it work.

I commend you for all of that and the policies and philosophies that you brought here. We did not agree on some of them. We have not agreed on everything, but I say the Senate was better off for every single day that you were here, and it will not be quite as good until somebody comes along and fills your seat. As our distinguished whip said, it is a continuing place, and we will go on. But I honestly think there will be sort of a place here for you, and we will remember how you used to do things, and, yes, Senator, you will know how you grew in terms of working with the other side. I mean, all of a sudden you would have something and we would wonder what is going on, and you would announce your cosponsor and we would say, well, he started with something that was not going to work, but he has been working at it and it is going to work. I commend you for that. That is the end product of real growth and a real ability to get done what you thought was good.

So I will miss you and your wonderful family and your wife. You have been through some tough problems with the family just like many of us.

You have come through it strong and robust, and your children are beautiful and successful.

As far as the prayer breakfast is concerned, you have stated this morning in beautiful terms, just as a matter of fact, with Doug Coe and other names, but I can remember talking to you many times about that, how it made you mature also in terms of your faith, in terms of how we prayed and how we did other things. For that relationship, I thank you. It has little to do with the Senate, but if it were not for the Senate, we would not have had that experience together.

So this is a good day because we get to say something about a great Senator, but on the other hand not so good a day because we say goodbye. He is young enough to honestly spend another 24 years here. I am 72 and I have been here 33 years, so I clearly could have left a while ago. Then I would be out there doing whatever you are going to be doing; I am sure you will have a lot more leisure time. You can hit the ball. Me, maybe I could play with my 11 grandchildren now, and growing.

Thank you, DON. It has been great to be your friend.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I rise after listening to the words of our distinguished whip, who has been here more than a couple of decades, and the distinguished Senator from New Mexico, who has been here more than three decades. I have only been in the Senate a couple of years, but I do want to let the distinguished Senator from Oklahoma know and say very publicly what an impact he has had on me and what deep respect I have for him.

When he came here, he talked about having respect for the Senate, and I certainly understand that. It is somewhat overwhelming to me. As he kind of recapped the 24 years, talking about the love that he has for this institution, I want to let him know what that means to somebody like me who comes here certainly with that respect—that love is something that grows. Love is something that is in the heart.

As I reflect upon a colleague who has been here, who has had some tough things he has had to do, I say to my friend—truly my friend from Oklahoma, the chairman of the Budget Committee—he is in an institution, surrounded by folks who like to say yes, who like to spend money. We like to take care of those around us who have needs. That is a good thing. But we also have to have a fundamental understanding. As in any family, you have to know what you earn and you have to know what you can spend. You have to have some discipline and you have to have some values and you have to do the right thing. It is hard, because naturally we want to say yes to those who come and say, We need help.

Because of the integrity of the Senator from Oklahoma, because of the deep respect his colleagues have for

him, he was able to guide us and help us understand what it meant to hold the line, to do the right thing, in the end, to build a stronger America.

His philosophical foundation, framework, "restoring economic freedom for America," is something he said he started thinking about early, and that he always believed in it when he got here. Certainly in each and every thing I have seen him do here, it has been part of his core value, restoring economic freedom for America, so in fact we produce hope and opportunity and greater times for moms and dads. He has done it.

I cannot say I always thought it was the right thing to do. I can't say that every time we voted the same way. But I do want to let the Senator from Oklahoma know how important his words and his values and his integrity were, what they meant to me.

I have been going to the prayer breakfasts since I came to the Senate. I have listened to some of his helpful suggestions for strengthening faith. They have made a difference. They have made an impact.

You are going to be gone, physically gone, and the Senate will be different. But I have no doubt, and I feel part of that, that your faith and your love and your strength and what you have been about has had a profound impact on so many of us here. It has had a profound impact on me. Although you will not be here, know that as I go about making the decisions I make, I have no doubt I will reflect upon your words, reflect upon what you might think is the right thing to do, and then make the decisions I have to make.

You may be gone. You may move from this body. You are still a relatively young man with a great family, a magnificent wife. You are a person who can look back on all you have accomplished and still have the opportunity to accomplish so much more. But I do want to thank the Senator from Oklahoma for his service. I thank him for the opportunity he has given me to serve with him. I thank him for the impact he has had on my life, hopefully making me a better Senator, a better humble servant, a person better able to contribute with a deeper appreciation of how important faith is to the service we give. I want him to know what he is about certainly will live with me in the time I have to stay. I simply want to say for all of that: Thank you and God bless you.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Alabama.

Mr. SESSIONS. Madam President, DON NICKLES has been truly one of our great Senators for almost a quarter of a century. I join with the remarks of others who came before me, and particularly MITCH MCCONNELL's belief that DON NICKLES is one of the best of all times in this body.

He rode into Washington at the age of 30, determined to fight for a heartland vision of America with all his

strength and energy. As he leaves here, still a young man, limping a little bit from that New York marathon he just ran a few days ago, every one of us can say he was true to those ideals and extraordinarily effective in advocating them. This Senate and this Nation is losing a tremendous champion. We are losing one of our most valuable Members.

DON was a small businessman who had seen personally the oppression of mindless regulation and taxes and rules that make creating a business and creating jobs difficult and frustrating. He knows taxes stifle growth and human creativity and taxes mean a transfer of power and wealth from the people who have earned it by the fruit of their labor, sending it to Washington for governmental politicians to disperse.

He knows government spends too much and too wastefully. And he knows as a true man of faith that ultimately it is the families, the hearts, and the faith of America in which our strength resides.

Those values he holds and he holds them very strongly. For those values he has worked ably and courageously to his last day in the Senate. As his service here comes to an end, he can know that in each of these areas where he has committed himself, to a remarkable degree our country has made real progress. We have. He can and should take great pride in knowing he was a key player in effecting the historic transformation of this country from an era of big government to an era in which even President Clinton would say: Big government is over.

The battle hasn't totally ended. The roaches will come back. No doubt we will have to continue to spray. But tremendous progress has been made. DON's critical role in this historic reversal of the liberal big government vision as the answer to all our problems can be seen, in part, by examining the key positions he has held. He chaired the Budget Committee, the Republican Policy Committee, the National Republican Senatorial Committee, the Republican Platform Committee for the Republican National Convention, and he held a critical position of assistant Republican leader, the second person in charge here in the Senate.

During his career he has been involved in many key battles. One of the most crucial was the lead he took in opposing the Clinton administration one-size-fits-all health care plan in 1993. He offered a countervision of consumer choice and for Americans he won that battle by blocking what I think to be ill-advised legislation. I know he took great pride when Congress passed the Medicare prescription drug bill last year that included his vision for medical savings accounts and for more competition in the health care industry. I didn't agree with everything in that bill, but the good parts he and I battled for are going to be important for years to come in health care in America.

Two years later, in 1995, he secured passage of the Congressional Accountability Act, which made Congress abide by the same health and safety standards that employers around America did. That was an important psychological victory for those who suffered under Government regulation, that those of us who write the regulations have to abide by them, too. In 1995 he authored the bill for families to receive \$500 per child tax credit. Now it is \$1,000 per child tax credit. When I campaigned in 1996, it was one of the primary emphases of my campaign. I strongly believed, and believe to this day, that nothing has been done to strengthen families more than allowing the working families trying to raise children today to have an extra \$1,000 in their pockets to take care of their children and their families. DON NICKLES was the one who drove that home.

In 1998, the International Religious Freedom Act that he referred to in his remarks became law. He has been a champion of religious freedom and rights. He worked to establish this commission to develop appropriate responses to violations of religious liberty worldwide. Since the bill's passage, the commission has issued four annual reports on religious freedom and persecution around the world. This act will become more and more important as the years go by, as we are now seeing a rise in religious intolerance and persecution around the world. Now we have an authoritative source so the world can know how serious this problem is, and that knowledge can help us lead to positive change.

The next year, the Senate passed the Patients' Bill of Rights legislation.

Throughout 1998, Senator NICKLES chaired a task force of Republican Senators, on which I served, working to better understand and respond to the concerns about managed health plans. His group wrote and introduced the Patients' Bill of Rights-Plus, a responsible alternative to the plan that would have dramatically increased health care costs. It was a terrific battle. DON called us together daily to prepare on how to carry out the debate. The opposition said a massive intervention into the American private insurance market by the Federal Government was necessary, and anybody who dared oppose this huge Federal mandate would just be run over by them. But DON proposed legislation that targeted the real abuses, with minimum cost increases and limited Federal regulation.

His bill would have, in fact, impacted the cost of premiums only a fraction of what was proposed by the opposition.

It may now seem a small matter. At the time of that debate it was a central issue before the Congress for months, and pressure from the liberal news media to pass an expansive bill was great. There could be no doubt that his personal leadership on behalf of individual citizens and small businesses was a key factor in the successful effort to avoid a fundamental takeover of private insurance in America.

In 2003, he became chairman of the Budget Committee, and I had the honor of serving as a member. During his chairmanship he made great strides to protect the fiscal sanity of our country. He led the Budget Committee during the time of war when our homeland was attacked and when we had a serious economic slowdown. He faced a surging national debt, and it was a time of heated partisanship in an evenly divided Senate. I was doubtful that anything could be accomplished because of the partisan atmosphere, and I told DON of my doubts.

I said: I am not sure we can produce a budget. He understood the difficulty he was facing but was convinced that a responsible budget was essential for America. He set to work with his usual skill and determination and commitment to principle and courtesy. He knew his budget depended on many. There was, indeed, much political posturing on all sides as all maneuvered to promote their interests. But DON never wavered. He was confident, funny, gracious, and determined.

The result was a very responsible 2004 budget with good spending limitations and caps. Wisely, he managed to make sure there would be a cap for fiscal year 2005, which we are in now, in case the budget would have failed this year. Without doubt, this was a good plan. It was critical that the Senate at that time pass a budget in a time of national insecurity and great deficits. It impacted positively, I believe, the economic situation of our country.

We didn't produce a fiscal year 2005 budget, although DON gave it his all. I have never seen him work so hard. He tried everything that could be done to achieve a budget for this year. That effort failed, but his fiscal year 2004 cap still made sure that we could maintain spending control.

I could say more, but I will just close with the remarks that were shared by Phil Gramm as I talked about DON one time. I said something good about him. And Phil Gramm, an astute observer and great Senator, shook his head and said: I am always amazed that this machine shop operator from Oklahoma is so consistently right on every issue that comes up.

I agree. He has been consistently right for every year he has been here. He has been the leader in the values that the American people share. He has played a critical role in the development of a new vision for government in America. He has produced regulations; he reduced taxes; he has empowered people around the globe. It has been an honor and a pleasure for me to call him a friend and serve with him. I admire him greatly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I came here primarily to listen this afternoon and show my respect for the Senator from Oklahoma.

My remarks will be very brief.

I want to begin with a story that I told the Senator from Oklahoma before. My mentor in politics is former majority leader of this body, Howard Baker. I got involved in politics because of him in the 1960s, when we were building a two-party system in Tennessee. I remember the campaign of 1980. Senator Baker was the Republican leader. He changed the name on the door from "Minority Leader" to "Republican Leader" because he didn't want the Republican Party thinking of itself as a permanent minority. Many people thought he was just whistling, "Dixie," so to speak.

At that time, there were 37, 38, or 39 Republican Members, and no one saw much prospect of getting much further ahead of that.

Then came a tidal wave in 1980 with the election of President Reagan and 13 or 14 new Republican Senators. It went from fewer than 40 to more than 50. Senator Baker had predicted that. I had learned to pay attention to him.

I saw him after the election. I said: Well, you were right about that. You were about the only person who was. He said: I will tell you one thing.

I said: What is that?

He said: Pay attention to NICKLES.

I said: Who is NICKLES?

He said: He is this young, 32- or 33-year-old new Senator from Oklahoma, and he is going to be a real force to deal with.

I have paid attention to Senator NICKLES ever since then. I have served in the Senate with the Senator from Oklahoma, and during that time I have seen him a lot. We have known each other. I think Senator Baker was correct. A lot of people have paid attention to DON NICKLES ever since 1980. I am delighted to have had the privilege of serving 2 years with him in the Senate.

In my experience, I have found him highly intelligent. He has been a big help with the complex issues that we have here. He is principled. That is important. And he has been easy to work with from the point of view of a colleague.

I heard his remarks to the new Senators that he was meeting with; he and the Senator from Louisiana spoke to them as they were stepping down. He was suggesting that even though he is known as a principled, effective, and conservative Senator, he reminded them that in order to get things done in the Senate there has to be a consensus. And that usually means finding ways of dealing across the aisle with colleagues we respect.

I am simply here today to show respect, not to make a speech.

I am glad to have that opportunity and finally to say something that may be a little different from what some of your other colleagues have said.

I admire your decision, and from my perspective I think it is the right one. Life is big. It is more than politics. It is more than government.

This is a big wonderful world in which we live. We live in a magnificent country. There is a lot to savor.

For example, when I have been in and out of public life at different times and leaving the Governorship, going into the private sector was liberating. I found that my focus had been narrow and that there were a great many things about my personal life, about my family's life, about my country's life, and about the private sector that I could get involved in and found very interesting. Over time I found I could come back to the public sector with a new energy, a broader experience and a different perspective.

I don't know what the future may hold for you.

I think it is wise to make such an enormous contribution here, and at the peak of that, to step out and take that to other places. For one, I hope the future will include, in some way, a contribution in the public arena. But you certainly deserve a chance to explore the private arena.

It has been my privilege to know you and to serve with you, and to know, once again, that Howard Baker was right in 1981 when he said, "Pay attention to Nickles."

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INVESTIGATION INTO AIR FORCE LEASING OF
BOEING AERIAL REFUELING TANKERS

Mr. MCCAIN. Madam President, I intend to address the Senate for a period of time today. I believe I have as much as an hour under postcloture debate, but I will be discussing an issue I have been involved in for some 3 years now and have not reached a conclusion, although certainly enormous progress has been made in trying to address this issue.

But during these 3 years since the appropriators slipped a \$30 billion rider in the fiscal year 2002 Defense appropriations bill, a lot of strange and unusual things have happened, I am sad to say, that are a very damning commentary about the way the Pentagon in general and the Air Force in particular conducts its business.

I am going to tell a story that has not, as I said, reached its end. But it has uncovered the very strong likelihood, because of the confession by Ms. Druyun in Federal court when she pled guilty, that there could be many billions of dollars of the taxpayers' money that were wasted, criminally treated, and misused because of the decisions made by Ms. Druyun. The question is, How could Ms. Druyun have done all this by herself? Did she have accomplices or was the system in the Pentagon so broken that one individual

could make contracting decisions which entailed tens of billions of dollars, and in this case may have cost the taxpayers of America millions and even billions of dollars as well?

Nearly 3 years ago, behind closed doors, the Appropriations Committee slipped a \$30 billion rider in the fiscal year 2002 Defense appropriations bill. This rider authorized the Air Force to lease from Boeing up to 100 767s for use as aerial refueling tankers. Before the rider appeared in the bill, Air Force leadership never came to the authorizing committees about this issue. In fact, tankers have never come up in either the President's budget or the Defense Department's unfunded priority list. The Air Force's tanker lease program was born of a virgin birth.

The rider was, in fact, the result of an aggressive behind-the-scenes effort by the Boeing Corporation with considerable assistance from senior Air Force procurement official Darleen Druyun and others. After the President signed the bill into law, the Air Force embarked on negotiating with Boeing a lease that would have cost the taxpayers around \$6 billion more than an outright purchase of these aircraft would have.

Soon after Air Force Secretary Jim Roche submitted to the four Defense committees a report on plans to lease these tankers from Boeing, three out of the four authorizing committees summarily approved the lease without even looking at the contract. Two did so without even holding a single hearing.

Much to his credit, Senate Armed Services Committee Chairman JOHN WARNER held the line and refused to authorize the proposal, as did the ranking member, Senator CARL LEVIN. Through the hearings and investigations that followed, we unearthed a crushing body of evidence on how much a folly the proposal actually was.

Throughout 2002 and in the beginning of 2003, even agencies within the Defense Department and the Air Force, including Program, Analysis and Evaluation, the Office of Management and Budget, and even the Air Force's own General Counsel's Office raised salient concerns about aspects of the proposal. These concerns, however, would not get in the way of Air Force leadership.

Rather than resolve these concerns, Air Force proponents continued to aggressively push the deal in the press. A Wall Street Journal editorial entitled "John McCain's Flying Circus," published on the very same day as the tanker hearing we had in the Commerce Committee, is particularly notable. It was obviously drafted with considerable help from the Office of the Air Force Secretary. In it, tanker proponents accused me of "trying to prevent approval by running up my own Jolly Roger" and brazenly exaggerated the Air Force's need for tankers by describing how, during Secretary Roche's visit to Tinker Air Force Base, he "peeled back the skin of a tanker being refurbished and found the metal under-

neath disintegrating before his very eyes."

By this time, Air Force leadership's aggressive press campaign was well underway. On April 25, 2002, Secretary Roche's special assistant, William Bodie, told Secretary Roche that he: saw Rudy deLeon [who heads Boeing's Washington office]—

And, by the way, he has rotated back and forth between the Congress and defense corporations and the Defense Department—he:

saw Rudy deLeon at the Kennedy Center and politely asked the Great White Arab Tribe of the North [which is what these folks called Boeing] to unleash their falcons on our behalf for once. I talked to [defense analyst] Loren [Thompson], who is standing by to comment to this reporter about the national security imperatives of tanker modernization. [Editor of Defense News and Air Force Times] Vago [Muradian] is also standing by. I will get with [Assistant Air Force Secretary for Acquisitions Marvin] Sambur first thing to rehearse talking points.

Get that, "to rehearse talking points" with the editor of Defense News and Air Force Times and defense analyst Loren Thompson: We will get with you before we talk to the reporter.

Among the falcons that Boeing "unleashed" was an op-ed that subsequently appeared in Vago Muradian's Defense News. This piece, which strongly endorsed Boeing's tanker lease, was supposedly written by former Commander-in-Chief for U.S. Pacific Fleet Admiral Archie Clemins. However, Admiral Clemins has admitted, and Boeing's e-mails reflect, that it was in fact ghost-written and placed by Boeing.

As this indicates, rather than address salient concerns regarding the tanker deal raised by their own staff, Air Force leadership focused on using the press, which Mr. Bodie described as "3rd Party support at its best" to perpetuate the fiction that "the lease was the exact opposite of a Boeing 'bail-out.'" Among the spin that lease advocates fed the press, were statements like, "[I] will not succeed in blocking a 767 lease because tanker replacement is critical and [I] have offered no alternatives to leasing."

While Air Force leadership was focused on pushing the deal in the press, analyses from several independent bodies, including the Defense Department's Office of the Inspector General, the Government Accountability Office, the Congressional Budget Office, the Congressional Research Service, the National Defense University, the Center for Naval Analysis, the Institute for Defense Analyses, and others criticized almost every aspect of the program. Perhaps most notably, a Defense Science Board Task Force, vetted for conflicts with industry only after my insistence, concluded that the need to replace the current tanker fleet was not urgent. The Task Force's finding debunked the numerous representations Air Force leadership made to the contrary. Indeed, the Defense Science

Board suggested that the Air Force's case on corrosion was virtually cut from whole cloth. Air Force leadership repeatedly cited this case as the biggest reason for having taxpayers pay Boeing billions more than necessary.

About 2 months ago, Ms. Druyun was sentenced to 9 months in prison on public corruption charges. Her crime: negotiating the \$30 billion deal with Boeing while negotiating with Boeing for a job. Ms. Druyun's sentencing occurred months after Boeing's board of directors fired her and former Chief Financial Officer Michael Sears for misconduct arising from the tanker negotiations. Boeing's Chief Executive Officer Phil Condit soon left the company under a cloud of suspicion.

In court papers accompanying her sentencing, Ms. Druyun admitted to overpricing Boeing's 767s as a "parting gift" to Boeing. She admitted that she did this to "ingratiate herself" with her future employer and help secure employment for her daughter and future son-in-law at the company. Astonishingly, Ms. Druyun also admitted that she similarly harmed the United States on behalf of Boeing on several other major defense programs, including the NATO AWACS, C-130 AMP, and the C-17 programs. How much taxpayers were fleeced remains unclear. These contracts were in the billions. But this matter remains under investigation by the Justice Department and other authorities. The scope of these investigations seems to widen almost weekly. Ultimately, it is likely that Ms. Druyun's misconduct cost taxpayers an astronomical sum.

In yesterday's paper, Lockheed is bringing suit against Boeing for allegedly having involvement with bid rigging on other contracts as well.

Over the past few weeks, Air Force leadership has tried to delude the American people into believing that all of this happened because of one person, and that because no one else has been hired for her position, the problem has been solved. I don't buy it. I simply cannot believe that one person, acting alone, can rip off taxpayers out of possibly billions of dollars. This appears to be a case of either a systemic failure in procurement oversight, willful blindness, or rank corruption. Either way, full accountability among Air Force leadership is in order.

Just this week, Secretary Roche and Ms. Druyun's old boss, Assistant Secretary of the Air Force for Acquisitions Marvin Sambur, announced their resignations. But, among Air Force leadership, nor one has assumed responsibility for this debacle. Ms. Druyun is, perhaps grudgingly, accepting responsibility for her role. To some extent, Boeing has accepted responsibility for its. The Justice Department and others are continuing to ferret out others who may be responsible. However, accountability among Air Force leadership has been almost nonexistent. It seems that it is business as usual. Air Force leadership remains content laying all the

blame at the feet of a single individual, Darleen Druyun. I'm not buying it.

Just on the Tanker Lease Proposal, the conduct of Air Force leadership has been unacceptable. First, Air Force leadership was never interested in doing a formal "analysis of alternatives" for the multibillion dollar tanker program. Such AOAs are typically always done for major defense programs.

Second, Air Force leadership misrepresented to Congress how bad corrosion afflicted the current tanker fleet. They did this to devise a reason why taxpayers needed to lease new tankers from Boeing, rather than simply buy them at a much lower cost.

Third, according to independent analyses, Air Force leadership overstated "operation and supply" cost-growth estimates for the current tanker fleet. This too was done to artificially bolster the case that the current fleet needed to be replaced immediately, at a dramatically higher cost.

Fourth, Air Force leadership repeatedly misrepresented that its proposal was merely an "operating lease." Their plan was to slip the program in the budget at a relatively modest initial cost, only to have actual costs balloon in the intervening years. We now know that this was done to conceal the Tanker Lease Proposal's real budgetary impact.

By the way, they also had plans that the money to fund in the later years, known as outyears in Pentagonese, that would be taken from the other services' budget.

Fifth, according to the Defense Department's Inspector General, the commercial procurement strategy that Air Force leadership used in the tanker proposal (and, incidentally, the C-130J program) placed the Department at "high risk for paying excessive prices," and precluded "good fiduciary responsibility for DoD funds."

Sixth, the Inspector General found that, when the specifications for the tanker were being developed, Air Force leadership let Boeing tailor those specifications to Boeing's proposed tanker. They were not tailored to the operational requirements of the warfighter. They should have been. Yet, Air Force leadership allowed an Air Force briefer to tell the Joint Staff that the tanker "operational requirements document" was not tailored to Boeing's aircraft. The Defense Department Inspector General, however, found that it was.

I could go on, but I'll stop here for now. As I've gone into many of these points in excruciating detail in my letter to Secretary Rumsfeld on July 28, 2004, I'll simply ask for unanimous consent to have my letter printed into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 28, 2004.

Hon. DONALD H. RUMSFELD,
Secretary, Department of Defense
The Pentagon, Washington, DC.

DEAR MR. SECRETARY: I am concerned about how the Analysis of Alternatives

(AoA) for the Tanker Lease Proposal will be conducted. In particular, I am concerned about the participation of Air Force leadership in the AoA, and the involvement of the Air Force's federally funded research and development center (FFRDC)—RAND, which I understand is spearheading this effort.

The conduct of Air Force leadership regarding the Tanker Lease Proposal has been unacceptable. Frankly, its credibility on the recapitalization of the tanker fleet has been fundamentally called into question. Notably, many of the problems that the Department of Defense Office of the Inspector General (DoD-OIG) found in the Tanker Lease Proposal are similar to those it recently found in the multibillion dollar C-130J procurement program. Bases for my concern about the participation of Air Force leadership in the AoA include, but are not limited to, the following.

First, the Air Force has provided Congress inaccurate information in an attempt to justify its original proposal to lease 100 Boeing KC-767As. For example, Air Force Secretary Jim Roche has repeatedly advised Congress that, in the existing KC-135 fleet, "corrosion is significant, pervasive, and represents an unacceptable risk." Secretary Roche has also emphasized to Congress increased operating costs in the current fleet as a basis for entering into the tanker lease. Air Force leadership has indicated that these elements create an "urgent" need to recapitalize the fleet. However, as you of course know, the DSB task force concluded that the Air Force's claims of unmanageable corrosion problems and cost growth were overstated. As such, the task force also concluded that "[t]here is no compelling material or financial reason to initiate a replacement program prior to the completion of the AoA and the MCS." Thus, the task force jettisoned the "dominant reason" Secretary Roche first cited in his July 10, 2003, report to Congress as the basis for having taxpayers pay billions of dollars more for leasing tankers than they would for buying them. The Air Force's representations on this issue remains a matter of continuing investigative concern.

In another example, to comply with the original authorizing statute, the Air Force misrepresented to Congress that its proposal to lease 100 Boeing KC-767 tankers was merely an operating lease. This would have obviated the requirement that the White House obtain advance budget authority for the whole lease proposal. But, the DoD-OIG and Program Analysis and Evaluation (PA&E), as well as the Congressional Budget Office (CBO) and the General Accounting Office (GAO) found that the procurement of these tankers is, in fact, a lease purchase. In addition, facts surrounding the original lease proposal made it clear that the transaction was a lease-purchase: under the original proposal, the Air Force conceded that the DoD is "committed to earmark[ing] an additional \$2B in FY08 and FY09 for the purchase of aircraft covered by the multi-year program under the terms of the proposed contract" to head off a funding spike over the Future Years Defense Program.

Second, the DoD-OIG and the NDU concluded that the Air Force's commercial item procurement strategy "prevented any visibility into Boeing's costs and required the Air Force to use a fixed-price type contract The strategy also exempted [Boeing] from the requirement to submit cost or pricing data. The strategy places the Department at high risk for paying excessive prices and precludes good fiduciary responsibility for DoD funds." The NDU similarly concluded that "[i]n a sole source, monopoly commercial environment, the government is not served well with limited price data" and suggested that the Air Force neglected its fiduciary/stewardship responsibilities.

Notably, the DoD-OIG arrived at similar conclusions regarding the Air Force's mismanagement of the C-130J procurement program. In particular, the DoD-OIG found that, because the C-130J was improperly acquired as a commercial item, the Air Force did not have contractor-certified information on contract prices, costs, or profits, and therefore was "limited" in its ability to protect the Government against possible overpricing.

Third, the DoD-OIG and the NDU also concluded that the operational requirements document (ORD) for tankers was not tailored, as it should have been, to the requirements of the warfighter, but rather to closely correlate to the Boeing KC-767A. The DoD-OIG found that senior Air Force staff directed that the ORD closely correlate to the Boeing KC-767A that was being developed for a foreign government, in anticipation of the authorizing legislation. This is particularly troubling where, according to an internal Boeing document regarding the ORD, Boeing planned to "establish clearly defined requirements in ORD for the USAF Tanker configuration that results in an affordable solution that meets the USAF mission needs and will prevent an AOA from being conducted." Under the current proposal, the first 100 tankers produced will not be capable of, among other things, interoperability with Navy, Marine, or coalition assets, or simultaneously refueling more than one receiver aircraft. Rear Adm. Mark P. Fitzgerald, USN, recently suggested that in theater, such a limitation restricts the Navy's long range striking capability and fosters a needlessly risky aerial refueling environment.

Notably, with respect to the C-130J procurement program, the DoD-OIG similarly found that, while the Air Force conditionally paid Lockheed Martin about \$2.6 billion, the C-130J is not operationally suitable or effective and cannot perform its intended mission. Furthermore, to date, 36 deficiency reports that "could cause death, severe injury or illness, major loss of equipment or systems, or that could directly restrict combat or operational readiness" have been received.

Finally, Boeing documents suggest that the Air Force allowed Boeing to modify the requirements in the ORD while it was being developed. These documents also reflect that the Air Force induced the Joint Requirements Oversight Council (JROC) into approving and validating the corrupted ORD by falsely representing that it was not tailored to a specific aircraft. This is of continuing investigative interest to the Committee.

Interestingly, as a result of the commercial specifications of the C-130J not meeting user needs, the Air Force (and Marine Corp) decided to "revise its requirements document" to reduce the initial capabilities required and to satisfy operational requirement deficiencies through block upgrade programs at the Government expense. I am very concerned about this.

I understand that RAND (the Air Force's FFRDC), and Project Air Force in particular, is spearheading the AoA. Generally, the Air Force, specifically Dr. Sambur, is "the overall sponsor" for Project Air Force activities. However, having argued against the need for an AoA as early as November 2002, according to a recently produced internal DoD e-mail, Dr. Sambur has apparently prejudged its outcome:

"A formal AoA will cost money, delay the program two years, and still come up with the same answer we have today. There are only a few aircraft that can serve as tankers, they are already in production, and so analyzing their respective capabilities and costs won't take long—in fact, it's already been done and the results passed to OSD. What's left to study?"

As I originally indicated in my letter of March 12, 2004, Air Force Vice Chief of Staff General T. Michael Moseley similarly touted the Air Force's proposal to lease and buy Boeing 767s during recent budget hearings. In particular, General Moseley provided "opinion" testimony suggesting that the KC-767 tanker is the Air Force's only viable option. For example, in testimony before the Projection Force Subcommittee of the House Armed Services Committee, General Moseley specifically rejected re-engining remaining KC-135Es (as the DSB task force recommended); modifying used aircraft (for example, DC-10s, also as the DSB task force suggested); using contractor support services (as the GAO recently opined), and other options that your office's AoA guidance specifically required the Air Force to examine. While General Moseley attempted to explain away his testimony as "personal opinion," at no time was he asked to provide his personal opinion and at no time during his testimony did General Moseley indicate that he was conveying a personal opinion. Considering General Moseley's role as the chairman of the Air Force Steering Group for Project Air Force and, respectfully, despite your assurances in your March 17, 2004, letter, I remain concerned that the Air Force and RAND have effectively prejudged the outcome of the AoA regarding the Tanker Lease Proposal.

Several recently produced internal DoD e-mails call into question whether the ongoing AoA will be conducted objectively. For example, in an e-mail, dated August 15, 2003, from Secretary Roche to Dr. Sambur and Acting Undersecretary Wynne, Secretary Roche dissuaded the OSD and Air Force staff from initiating an AoA. In this e-mail, Secretary Roche said the following:

"Agggggg, stop the nonsense! Don't even begin to start an unnecessary AoA at this point. All this would do is give the enemies of the lease an excuse from DoD to delay the 'lease, and really honk off the Appropriators. Let's see what comes out of conference, damn it! If the lease is approved then we can talk about how to decide on the recapitalization of the other 400 airplanes, but there is no rush here."

Soon thereafter, Acting Secretary Wynne responded, "I agree with Jim, [sic] What started this flurry of activity? I'd hate for our story to change." The foregoing does not inspire confidence that the current AoA will be conducted properly.

My concern that RAND, in particular, may have prejudged the outcome of the AoA is underscored by its conclusion regarding tanker recapitalization in a recent report. In a December 2003 report entitled "Investigating Optimal Replacement of Aging Air Force Systems," RAND, in particular Project Air Force, found—without the benefit of an AoA—that "it appears to be optimal to replace the KC-135 by the end of the decade." Apparently relying on Air Force data and analysis that was ultimately rejected by the DSB task force, this conclusion comes unacceptably close to prejudging the outcome of the AoA and is inconsistent with the conclusions of the Air Force's own Economic Service Life Study; the GAO; and, most recently, the DSB task force, all of which found that the current fleet is viable through 2040. In light of the relationship between the RAND and the Air Force, as described above, there can be no assurance that RAND will conduct the AoA here with the desired independence.

My concerns appear to be reflected in a recently released internal DoD e-mail from Eric Coulter, Deputy Director for Theater Assessments and Planning at Program, Analysis and Evaluation (PA&E) to Nancy Spruill, co-chairperson of the Leasing Re-

view Panel Working Group, dated August 7, 2003:

"I do not support RAND as the sole source or lead to conduct the Congressionally-directed independent tanker AoA. First, its [sic] said that it takes Congress to direct the Department to do something it should do on its own. We've been winging it for the AF to conduct an AoA for several years, but could never get AT&L's support to direct one. The AF clearly wanted to postpone it for as long as possible to delay the issue of recapitalizing the fleet. Now the Department is playing catch up. That said, [the Institute for Defense Analyses (IDA)] has more experience to conduct this type of effort. In fact, [Air Mobility Command] relies on IDA to do a lot of its mobility analyses both for airlift and tankers. I believe the Department will get a better, more objective product than we would from RAND. I hope we're not letting IDA's cost review of the tanker lease color our opinion. Please convince me otherwise."

I am also concerned about the fact that Project Air Force may have received as much as \$50 million for FY03 and FY04 and is expected to get at least another \$25 million for FY05. This financial relationship between the Air Force and RAND renders RAND unsuitable for conducting the AoA on this multibillion dollar procurement proposal.

Given the foregoing, I respectfully suggest that the Air Force not enter into an agreement to procure aerial refueling aircraft until an entity independent of the Air Force—on the basis of a study not funded directly or indirectly by the Air Force—completes the AoA.

As always, I appreciate your consideration. Sincerely;

JOHN MCCAIN,
Chairman.

Mr. MCCAIN. What I would like to do now is discuss documents, belatedly produced by the Defense Department, that underscore the need for accountability among Air Force leadership regarding the tanker lease proposal. While the total number of documents that the Defense Department has produced remains unsatisfactory, the few that have been produced are compelling.

On February 5, 2002, Air Force Secretary Roche personally assured me, in testimony before the Senate Armed Services Committee on the tanker program, that he "believed in competition," and "would come back to Congress" if another competitive proposal was particularly good.

Secretary Roche's e-mails, however, suggests that he is indeed a man who allows his personal animus to stifle competition. For example, on September 5, 2002, Darleen Druyun wrote to Secretary Roche, "I read with disgust the article on Airbus tankers from the new EADS CEO of North America. What BS . . . should not have been surprised at the slime . . . his day of reckoning will come hopefully."

Secretary Roche answered, "Oy. I agree. I had hoped you would have stayed and tortured him slowly over the next few years until EADS got rid of him!"

This is from the guy who says he believes in competition. His personal contempt for one defense contractor, and particularly its CEO, is clearly reflected in his other e-mails.

For example, on August 7, 2002, when Secretary Roche learned that Ralph Crosby, with whom Secretary Roche once worked at Northrop Grumman, was appointed to the head EADS' North American operations, Secretary Roche wrote to his special assistant, William Bodie:

Well, well, we'll have fun with Airbus.

The day after, William Swanson at Raytheon asked Secretary Roche:

Did you see the notice on Ralph in EADS?

Secretary Roche responded:

Right. Privately between us: Go Boeing! The fools in Paris and Berlin never did their homework. And, Ralphie is the CEO and chairman of a marketing firm, for that's all there is to EADS, North America. The [Air Force] has problems with EADS on a number of levels. The widespread feelings about Crosby and the Air Staff, Jumper especially, will only make their life more difficult. Smiles.

On September 4, 2002, Mr. Bodie wrote Secretary Roche complaining about statements EADS issued about its tanker proposal:

We don't have to turn the other cheek, you know. I'm ready to tell the truth about Airbus' boom, footprint, and financial shortcomings. But maybe we should sleep on it.

In response, Secretary Roche wrote:

No, sir, save it and blow him away. He admits they were not technically qualified! And, we keep their record of bribes as our trump card!

This is the Secretary of the Air Force communicating with an assistant of his saying "we keep their record of bribes as our trump card." Remarkable.

Taken together, these documents inject serious doubt into Secretary Roche's commitment to competition in contracting, about which he assured me in congressional testimony.

During hearings on the controversy in the Senate Commerce Committee and the Senate Armed Services Committee, I expressed concern about Secretary Roche asking Boeing to pressure dissenting elements within the Office of the Secretary of Defense into playing ball on tankers.

However, in congressional testimony, Secretary Roche categorically denied this. For example, at a September 3, 2003, Commerce Committee hearing, I asked Secretary Roche about a Boeing e-mail dated 23 June 2003, "Subject: Roche Meeting 23 June 2003." In particular, I asked Secretary Roche:

Do you have any recollection whatsoever of telling . . . anyone . . . from Boeing to put pressure on [Acting Assistant Secretary for Acquisitions] Mike Wynne to convince [Program Analysis, and Evaluation] to write a new letter essentially undoing the first letter [which criticized the proposal]?

After significant waffling, Secretary Roche responded:

No, sir. I talked to [PA&E Director] Ken Krieg, and in fact, I told him, "Don't bother writing another letter." We understood these were his arguments.

Again, on September 4, 2003, at a hearing before the Senate Armed Services Committee, I asked the same question to Secretary Roche:

Do you have any recollection whatsoever of telling . . . anyone . . . from Boeing to put pressure on Mike Wynne to convince PA&E to write a new letter essentially undoing the first letter?

I might say that the first letter from this part of the Pentagon was very critical of the tanker lease deal. This time Secretary Roche testified:

I did not ask them to put pressure [on Wynne].

Finally, in testimony before the Senate Armed Services Committee on March 2, 2004, Secretary Roche adamantly denied asking the Boeing company to put pressure on Mike Wynne. Secretary Roche said:

I've told you there was no pressure. . . . [I] certainly did not tell them to pressure anybody.

Secretary Roche's e-mails, however, paint a very different picture.

From Boeing's e-mails, here is what we know. In a June 23, 2003, e-mail to Jim Albaugh, who is head of Boeing's defense subsidiary, Boeing executive Thomas Owens described a meeting during which Secretary Roche expressed serious concerns about this letter from Mr. Ken Krieg. Mr. Krieg is the Director of Program Analysis, and Evaluation at the Office of the Secretary of Defense. His letter was key. In that letter, Director Krieg concluded that the original Boeing proposal failed two key Government accounting rules and, therefore, violated the authorizing legislation.

According to Mr. Owens's e-mail, Secretary Roche "ask[ed]" [Boeing] to put pressure on [Acting Assistant Secretary of Defense for Acquisitions] Mike Wynne to convince PA&E to write a new letter essentially undoing the first letter."

Soon after, Dr. Sambur wrote Secretary Roche regarding the PA&E letter saying:

Boss, this is getting ridiculous.

Secretary Roche wrote to Acting Assistant Secretary Wynne as follows:

Ever since Pete—

They are talking about former Assistant Secretary Aldridge—

left, the bureaucrats who opposed the 767 lease have come out of the woodwork to try to kill it—yet, once again, Mike, I won't sign a letter that makes the case that we shouldn't lease the planes. Ken Krieg's memo attached is a cheap shot, and I'm sure has already been delivered to the enemies of the lease on the Hill. It is a process foul. And Ken needs to be made aware of that by you! I can't control the corporate staff on acquisition issues. Mike, this is their way of asserting dominance over you. I know this sounds wild, but animals are animals. Pete had beaten them down. Now, they're taking you on. I'm sorry. Expecting professional behavior from them is something I gave up on a while back. Among other things, they are about to embarrass SecDef—

That is Secretary of Defense—

who having approved the lease, will now have to explain why his staff is destroying the case for it. I'll do whatever I can to help you, Mike, but [it's] your job to get the corporate staff under control. If not now, then they will overrun you whenever you "don't

behave" according to their desires. This is a game they played for years. [They] and OMB are trying to set the Air Force up to be destroyed by Sen McCain with OSD—

Office of Secretary of Defense—
and OMB—

Office of Management and Budget—arguments. As you might imagine, I won't give them the chance, but I will make it clear who is responsible to Don [Rumsfeld]. I refuse to wear my flack jacket backwards!

This is after testifying before the Senate Armed Services Committee that Secretary Roche never put any pressure on anybody. This is remarkable.

Subsequently, Assistant Secretary Wynne reprimanded Director Krieg. In response to an e-mail from Director Krieg that attempted to clear the air, Secretary Roche rather disingenuously answered:

Kenny, I love you, and you know that. I think you have been had by some members of the famous PA&E staff. You never should have put what you put in writing. It will now be used against me and Don Rumsfeld.

Other e-mails corroborate that Secretary Roche suggested to Boeing that it lobby the Office of the Secretary of Defense to undercut Program Analysis and Evaluation. For example, a December 17, 2002, e-mail from Boeing's top lobbyist Andy Ellis to Rudy deLeon, who heads Boeing's Washington office and served as a Deputy Defense Secretary in 2000 and 2001 described "some quick notes from Jim [Albaugh]'s meeting today. It instructed, "Please do not re-distribute this e-mail." The e-mail memorialized what was said during "[a] meeting with Sec. Roche" as follows:

PA&E now a problem on tankers—arguments include price, 767 footprint and prospects for "used 767s." Boeing needs to do more on behalf of tankers in the Office of Secretary of Defense. PA&E working to convince Aldridge to delay—reengine while doing an analysis of alternatives. We should vector hill support for tankers at Aldridge. . . . said he is very comfortable with the price air force has on tanker, and very comfortable with overall deal. It is the right time to do this deal. He is waiting until early January to push on the Office of Management and Budget—wants to deal with the next congress, not the current. . . . Boeing needed to work White House and especially Office of Secretary of Defense.

That is from the Secretary of the Air Force.

Other e-mails recently produced by the Department of Defense corroborate the shocking dynamic whereby Secretary Roche apparently orchestrated efforts against tanker lease critics within the Office of the Secretary of Defense. For example, in a May 7, 2003, e-mail, Paul Weaver, a Boeing lobbyist and former Director of the Air National Guard, wrote Secretary Roche as follows:

Rudy [DeLeon] called me and said that Marv Sambur was getting beat up by Mike Wynne again concerning the \$125 million number per aircraft. Rudy would like to know if he needs to do anything like calling in the big guns to help out. I told him I would query you to get your advice.

In response, Secretary Roche wrote:

It's time for the big guns to quash Wynne! Boeing won't accept such a dumb contract form and price, and Wynne needs to "pay" the appropriate price!

Now, that is the Secretary of the Air Force talking about another member of the Pentagon in the Office of the Secretary of Defense, Program Analysis and Evaluation:

Wynne needs to "pay" the appropriate price.

I wonder what he was talking about.

These e-mails call into serious question whether Secretary Roche was truthful in testifying that he had not directed Boeing to pressure tanker lease critics within the Office of the Secretary of Defense to play ball.

During last year's hearings, we released e-mails indicating that Secretary Rumsfeld's policy analysts may have been improperly lobbying the Office of the Secretary of Defense in support of the tanker lease proposal. Another set of e-mails, only recently produced, give a fuller picture of this issue. For example, in an October 9, 2002, e-mail, Darleen Druyun wrote Secretary Roche and Dr. Sambur saying:

I would like to informally brief [Defense Science Board Chairman] Bill Schneider on tanker leasing when he gets back from Germany. I had briefed him during the transition about the idea of leasing as a viable acquisition alternative. He has apparently had a positive conversation with Wolfowitz on leasing and is interested in quietly helping us.

This is the head of the Defense Science Board, who is supposed to be making decisions about weapons systems and other acquisitions, and he is "interested in quietly helping us."

If you give the nod we will use the same charts we used to brief Gingrich which was very positively received by him.

Secretary Roche responded:

Please do. Thanks much.

This e-mail, and others I have released, raise serious questions about the undue influence that industry exerts on procurement decisions in the Pentagon. What is striking here is that in this case, Air Force leadership seems to have been deep in the middle of it.

To what I have described already, add the doctoring of documents produced to Congress. After SASC, Senate Armed Services Committee, staff returned from their visit from Tinker Air Force Base in October 2003, they asked for some placards that reflected unusually low failure rates associated with component parts of the KC-135s maintained there. That is the present Air Force fleet of tankers. Shockingly, what the Senate Armed Services Committee staff received were altered versions of what they asked for. I conveyed my concerns about these doctored documents directly to Secretary Roche. In Secretary Roche's February 27, 2004, response to me, he conceded that the information that the Senate Armed Services Committee requested was intentionally deleted. In particular, he explained:

As those placards featured "Tinker-only" information, and because our installations and logistics professionals strive to present a complete and timely picture of our fleet, they amended the placard file by omitting the "Tinker-only" occurrence factors.

To add insult to injury, the explanation that the Air Force leadership provided to the press about what happened was different entirely. Furthermore, we have yet to learn who in Secretary Roche's office directed that the information that Congress asked for be doctored before it was delivered.

It seems that whatever documents Air Force leadership did not doctor, they improperly withheld.

For example, on Friday, September 10, 2004, the White House Counsel's Office and the Office of Management and Budget brought to my staff's attention a very troubling e-mail stream between Secretary Roche and senior OMB official, Robin Cleveland. After Darleen Druyun went to work for Boeing, Ms. Cleveland, the Associate Director for National Security Programs, represented the Government in negotiating with Boeing on the tanker lease proposal.

In this e-mail stream beginning on May 9, 2003, Ms. Cleveland asked Secretary Roche to help her brother get a job at Northrop Grumman. The e-mail said:

Jim, this is my brother's [Peter Cleveland's] stuff. I would appreciate anything you can do to help with NG—

that means Northrop Grumman—

He is an incredibly hard working, disciplined guy—worked full-time, with two little kids, putting himself through law school at night. I would be grateful. Thanks very much. Robin

About half an hour later, Secretary Roche gave Mr. Cleveland's resume and cover letter, and, under color of his office and title, vouched for him to Steve Dyslas, a Northrop Grumman executive:

I know this guy. He is good. His sister (Robin) is in charge of defense and intel at OMB. We used to work together in senior staff. If Peter Cleveland looks good to you, pls [sic] add my endorsement.

A few minutes later, Secretary Roche wrote Ms. Cleveland in an e-mail:

Be well. Smile. Give me tankers now. (Oops. Did I say that? My new deal is terrific.)

Now, the person who is responsible for overseeing the national security programs at the Office of Management and Budget, the watchdog of all the budgetary issues in America, that one specifically charged with overseeing tankers, asked the Secretary of the Air Force to get her brother a job. He, under his title and name, contacts the defense corporation that does business with the U.S. Air Force and asks them to give Ms. Cleveland's brother a job, and then after sending it, sends an e-mail back to Ms. Cleveland:

Be well. Smile. Give me tankers now. (Oops. Did I say that? My new deal is terrific.)

On May 15, 2003, Ms. Cleveland responded to her brother in an e-mail en-

titled: "Interview at NG," saying, "Great. Hope it works before the tanker leasing issue gets fouled up."

Until these e-mails were brought to our attention by the White House, we never even knew about them. In a meeting with me on September 13, 2004, White House Counsel Judge Alberto Gonzales told me that someone in Secretary Roche's office concluded that these e-mails were a joke and therefore they did not need to be produced.

That has to be taken in the context that they told me that they would give me these e-mails as part of our oversight responsibility. The Secretary of the Air Force decided the e-mails that I just cited were not relevant to the tanker deal. So if there is some level of mistrust that exists between me and my office and the Secretary, maybe that clears up that degree of mistrust a little bit.

Given all the scandal and controversy surrounding the tanker lease proposal, and especially given the keen interest that Chairman WARNER and I have expressed regarding potential Air Force misconduct, the unilateral decision made by Air Force leadership to withhold this document is profoundly disturbing.

Keeping a defense contractor's "record of bribes" as a "trump card"; "torturing" a defense contractor "slowly"; pressuring dissenting elements within the Office of the Secretary of Defense whose job it was, particularly in the absence of a Defense Acquisition Board—in other words a formal analysis—to vet this procurement program; signing off on a plan to get the chairman of the Defense Science Board to "quietly help" on the tanker lease inside the OSD; doctoring and improperly withholding documents requested by Congress: this is the picture that we are getting on what happened with the tanker proposal, and we have received only a few documents from 6 out of 30 people we have asked for. This is the picture we are getting, but no one among Air Force leadership stands up to assume responsibility. Instead, what we get from Air Force leadership is deeply troubling statements in the press about how rosy things are. For example, in a recent op-ed appearing in Defense News, Dr. Sambur describes the current acquisition process as "healthy" and "on track."

Hoping that Air Force leadership will "get it" now may perhaps be too much, when they didn't "get it" then. In that context, I find particularly troubling an e-mail from Air Force Under Secretary Teets to Secretary Roche sent just 3 days after Boeing announced the firing of CFO Michael Sears and Vice President Darlene Druyun. In it, Under Secretary Teets writes:

Jim, I think it is important for you to know all I know about the situation surrounding the tankers . . . Late Tuesday afternoon I talked to Marv Sambur and got his assurance that a thorough review of the Darlene situation had been completed and there was no way Darlene had any influence on our plan for tankers. Furthermore, Marv said

that a letter had been prepared for the DepSecDef to send over to the SASC indicating same, and notifying them of our intent to proceed.

So two people are fired by Boeing because of information that has come to light about improper behavior and later the individual pleads guilty in court—in fact, both of them have now pled guilty in court. Ms. Druyun has confessed that she rigged the contracts as a "parting gift to Boeing" in behalf of her daughter and son-in-law's employment.

Meanwhile, the Under Secretary of the Air Force writes to the Secretary of the Air Force that he talked to Marv Sambur, the Assistant Secretary of the Air Force for Acquisition, and got his assurance that "a thorough review of the Darlene situation had been completed and there was no way Darlene had any influence on our plan for the tankers."

I am amazed. I am amazed.

One thing is for sure: the final chapter on the tanker lease proposal cannot be closed until all the stewards of taxpayers funds who committed wrongdoing, are held accountable. In order to get a full accounting of what happened on the tanker lease proposal, I will continue to insist that all the documents that the Senate Armed Services Committee has asked for, be produced—no matter how long it takes.

In closing, Air Force Doctrine Document 1-1 on Leadership and Force Development contains a section setting forth the Air Force's core values. There are three: integrity, service before self, and excellence in all they do. The first, integrity, includes the indispensable characteristics of accountability, responsibility, honesty, and honor. When it comes to Air Force leadership's conduct regarding the tanker lease proposal and related congressional probes, I must however ask: where is the accountability and the responsibility; where is the honesty and the honor; where have these core values been over the past 3 years, and where are they now? To eschew accountability here is to do a profound disservice to the good men and women who wear the uniform of the United States Air Force honorably, capably, and proudly.

For those in the public interested in what I have discussed today, I will be posting all of these documents on my website, www.mccain.senate.gov.

In closing, the scandal continues to widen. Yesterday one of the competitors of Boeing alleged that information was leaked by Ms. Druyun, and the CEO of Boeing. I don't know if it is true. I doubt if it is true. I have no way of knowing. But the scandal continues to unfold. As I said, we have only received a small percentage of the documents and e-mails that we have asked for.

This is a very sad chapter. I was asked last week by a reporter for the Air Force Times if this was personal with me, this issue I have discussed on the Senate floor for the past half hour or so.

It is personal in this respect. It is personal that I had the privilege of serving in the U.S. military and wearing the uniform. I believe we always expect not only the same standard but a higher standard of conduct of the men and women who wear the uniform, and the vast majority, 99 and 44/100 percent of the men and women who wear the uniform conduct themselves with the highest degree of honor, courage, and integrity. But here we have individuals who have, obviously, behaved in a less than honorable fashion. That is why it is necessary we get to the bottom of this.

Next year, beginning January, we are going to have to look at the whole procurement process as it works today in the Department of Defense, because we have just found out that Ms. Druyun, in her guilty plea, said she was involved in rewarding Boeing on several other contracts, not just the Boeing tanker lease. We have no idea how much money that is. But it brings a profound question here: How could one person do this? How could one person alone in the whole Pentagon—I have forgotten how many thousands of people work there—have done this and they not know about it? If they didn't know about it, what kind of a system is it that allows such a thing to take place, over a period of years?

I deeply regret having been involved in this. But I also remind my colleagues that the way this thing started was the insertion in an appropriations bill that was one line that no member of the Senate Armed Services Committee had any knowledge of nor did the Senate Armed Services Committee have a single hearing on before this appeared as a line item in an appropriations bill. That is not the way to do business.

I would allege to you right now, if it had gone through the normal authorization process perhaps this whole scandal wouldn't have unfolded the way it did because we would have had a hearing. We would have scrutinized the proposal. We would have gone through the normal process. Instead, we spent 3 years fighting a rearguard action and through the sheerest kind of luck, in many respects, we are able to identify this wrongdoing.

I hope we can get to the bottom of this as quickly as possible and find lessons learned, find out how much money we can reclaim, if necessary, on behalf of the taxpayers, so that if, indeed, Ms. Druyun's statement is true—and I have no reason not to believe what she confessed to, that she issued a number of contracts that were detrimental to the cause of the American taxpayer—we can reform the system so this kind of thing can never happen again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask it be in order for me to speak for a couple of minutes as in morning business about some of our retiring Senators.

The PRESIDING OFFICER. The Senate is considering the miscellaneous

trade bill. The Senator will need to ask unanimous consent.

Mr. KYL. I ask unanimous consent to speak as in morning business for not to exceed 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, I will not object, but I would like to see if I can ask if I can be recognized after the Senator completes his remarks?

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO RETIRING SENATORS

Mr. KYL. Mr. President, obviously, in the brief time here I am not going to be able to say everything that comes to mind about the Senators who are retiring but to summarize a little bit of the information for the benefit of those who might be watching.

When you have long, distinguished careers of Senators and they decide not to run for reelection but leave the body, there is a lot that comes to mind about their service. I think it is good to remind ourselves of just a few of these things because of the service they have provided, both to the people of their own States and to the United States.

DON NICKLES

Starting, for example, with our colleague from Oklahoma, DON NICKLES, he served both in the leadership of the Senate Republican Conference as well as chairman of the Budget Committee. The last 2 years of his time, during his chairmanship of that committee, he was deeply involved on behalf of taxpayers in saving literally hundreds of billions of dollars in taxpayer money that might otherwise have been spent but for his hard work in ensuring that we had the procedural mechanisms in place to object to excess spending.

Second, ensuring that taxpayers could keep more of their money. Helping to get passed significant tax reform, especially during the first term of President Bush, the 2001 and 2003 tax cuts in particular, coupled with the tax cuts of this past year, has meant substantial savings for all American taxpayers.

The marginal rate reductions accelerated in 2003, and the reduction in capital gains and dividend tax rates, have been a substantial reason that the economy has moved forward as quickly as it has.

Senator DON NICKLES was significantly involved in every one of those, and his leadership in tax policy is going to be sorely missed when he leaves the Senate.

He got his start in Nickles Machinery back in Ponca City, OK, and he understood early on the lessons of how Government involvement in business could make it much more difficult to not only grow a business but to employ people and to contribute to the economy. It is one of the reasons, when his father passed away, that he began to understand how the estate tax can act

in a pernicious way on American families when his business had to actually sell off part of its equity in order to pay the estate tax, to make it more difficult for them to stay in business, to employ the people they did, and do the work they did. He understood, therefore, from practical experience why we needed to reform the Tax Code, and he was instrumental in the reformation of the estate tax as well with the spouses' deduction, which was largely his work.

There is so much more one could say about the efforts of Senator DON NICKLES. He is a great friend of all of us. In addition to being very focused on getting the work done, he always managed to do so with a smile on his face and a slap on the back in a way that made it hard for people to disagree with him even when they didn't particularly follow his legislative agenda.

DON NICKLES will be very much missed in the Senate. He leaves, even after 24 years, at such a young age that he will be in Washington and around this country in a way to continue to have interaction with us. We all cherish that because of our friendship with DON NICKLES.

It is bittersweet that DON will be leaving the Senate, but we know after his significant contributions to this country he certainly deserves an opportunity to move on.

SENATOR BEN NIGHTHORSE CAMPBELL

Mr. KYL. Mr. President, I wish to say a word about another of our colleagues, BEN NIGHTHORSE CAMPBELL. Senator CAMPBELL and I served together in the House of Representatives. He is unique in the history of the Senate. He is a Native American who came first to the House and then to the Senate. He represents the people of the State of Colorado, as does the Presiding Officer, with distinction. He is a real man of the people. He is a jeweler, a motorcycle enthusiast, a real athlete—an Olympian, as a matter of fact, in judo. He is a man whose interests are extensive beyond the kind of humdrum interests sometimes we in the Senate focus on. He brought a lot of spirit and a lot of light to this body. I know BEN will be missed by every one of us as well.

SENATOR PETER FITZGERALD

Mr. KYL. Mr. President, my colleague PETER FITZGERALD from Illinois is an extraordinarily smart and focused individual who came to the Senate to represent his State of Illinois and did so with great passion, enthusiasm, and courage, in some cases, when he had to stand against a lot of other Members who were attempting to act in ways he felt were inimical to the interests of his State.

PETER FITZGERALD, though here only one term, I think will be remembered as a great Senator from the State of Illinois and certainly a colleague I will miss personally.

SENATOR ZELL MILLER

Mr. KYL. Mr. President, let me mention our colleague ZELL MILLER. ZELL